

## **REMARKS**

This amendment is in response to the Office Action mailed on June 9, 2006 in which claims 1-3, 8-10, 13-16, and 27-41 were rejected. With this amendment, claims 18-26 and 42 are cancelled. Applicant respectfully requests reconsideration of the present application in view of the reasons that follow.

### **1. Election Requirement**

On page 2 of the office action, the Examiner acknowledges Applicant's election to prosecute claims 1-3, 8-16, and 27-41. Applicant has cancelled non-elected claims 18-26 and 42 with this amendment. Applicant has maintained the status of claims 11 and 12 as "withdrawn" because claim 1, elected for prosecution, is generic to dependent claims 11 and 12. In the event that independent claim 1 is allowed, Applicant requests that withdrawn claims 11 and 12 be brought back into the application for allowance with the generic claim.

### **2. Rejection of Claims 1-3, 8-10, 13-16, and 27-41 Under 35 U.S.C. §102(e) as Anticipated by Arnin et al.**

On page 2 of the office action, the Examiner rejected claims 1-3, 8-10, 13-16, and 27-41 under 35 U.S.C. § 102(e) as anticipated by Arnin et al., U.S. Publication No. 2004/0243238 A1. In response, Applicant has attached hereto a Declaration of Prior Invention under 37 CFR § 1.131 that establishes invention of the subject matter of the rejected claims prior to the effective date of the Arnin et al. reference. In particular, the Declaration of Prior Invention under 37 CFR § 1.131 establishes conception of the subject matter of the currently pending claims prior to the earliest effective filing date of Arnin et al., June 2, 2003. The Declaration of Prior Invention provides facts in evidence of the steps taken between June 2, 2003 and the filing date of the present application to establish diligence between June 2, 2003 and constructive reduction to practice of the present invention. In view of the Declaration of Prior Invention removing the

Arnin et al. reference from consideration, Applicant respectfully requests that the Examiner withdraw the rejection of claims 1-3, 8-10, 13-16, and 27-41 under 35 U.S.C. § 102(e).

### **Conclusion**

Claims 1-3, 8-12, 13-16, and 27-41 are pending in the present application. Claims 11 and 12 are withdrawn and claims 18-26 and 42 have been cancelled. Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application, as amended, is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1447.

Respectfully submitted,

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